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THE SITUATION IN BOSNIA AND HERZEGOVINA

Azerbaijan, Bangladesh, Djibouti, Egypt. Guinea, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Malaysia, Morocco, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Turkey and United Arab Emirates: draft resolution

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994 and all relevant resolutions of the Security Council regarding the situation in the Republic of Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Welcoming the General Framework Agreement for peace in Bosnia and Herzegovina and the annexes thereto (collectively, "the Peace Agreement"),[1] signed at Paris on 14 December 1995,

Welcoming also the efforts for the respect, promotion and protection of human rights in all of Bosnia and Herzegovina and for the establishment of the new common institutions of Bosnia and Herzegovina, in accordance with the relevant provisions of the Peace Agreement,

[1] See A/50/790-S/1995/999; see Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995, document S/1995/999.

Supporting those institutions and organizations of Bosnia and Herzegovina which are engaged in the implementation of the Peace Agreement and the process of reconciliation and reintegration,

Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their homes, emphasizing the need for all parties and the relevant States and international organizations to enhance the conditions necessary to facilitate return, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Welcoming the foundation on 30 October 1996 of the Coalition for Return, composed of refugees and displaced persons from within and outside Bosnia and Herzegovina, including members of all communities, and expressing support for its efforts in facilitating the objectives of annex 7 to the Peace Agreement,

Welcoming also the Subregional Arms Control Agreement negotiated at Vienna and Florence, as a vital instrument in ensuring regional stability, and alarmed by reports of uneven levels of compliance with provisions of the Agreement,

Having considered the third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[2] and noting the varying degrees of cooperation and compliance described therein,

Supporting fully the efforts of the International Tribunal aimed at the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, and demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827 (1993) of 25 May 1993 and 1022 (1995) of 22 November 1995, including with respect to surrendering persons sought by the Tribunal,

Stressing the importance and urgency of the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 as an element of the process of reconciliation in Bosnia and Herzegovina and in the region,

Taking note of the resolution of the judges of the International Tribunal dated 3 December 1996,

Welcoming the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations, including the immediate establishment of diplomatic relations, among those States, in accordance with the Peace Agreement,

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[2] A/51/292-S/1996/665.

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon the Governments and the authorities in the region, as well as relevant international organizations, to facilitate such full respect,

Noting that democratization in the region will enhance the prospects for a lasting peace and help guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Welcoming the holding of elections under the supervision of the Organization for Security and Cooperation in Europe on 14 September 1996 for State, entity and canton level offices, and calling upon all parties to further cooperate with the organization in the preparation and holding of free and fair elections throughout all of Bosnia and Herzegovina at the municipal/local level,

Noting the positive impact of the two previous pledging conferences, held respectively on 21 December 1995 and 13 and 14 April 1996 and chaired by the World Bank and the European Union on the peace process and reintegration of the country as well as the reconstruction effort, stressing the importance and urgency of providing the pledged financial assistance and technical cooperation in reconstruction efforts and the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region, and encouraging an early convening of the next pledging conference,

Welcoming in particular the important efforts of the European Union, bilateral and other donors to provide humanitarian and economic assistance for reconstruction,

Underlining that the full, comprehensive and consistent implementation of the Peace Agreement is vital for the maintenance of international peace and security,

1. Expresses its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (the "Peace Agreement"),[1] signed at Paris on 14 December 1995, which constitutes the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. Welcomes the successful implementation of certain aspects of the Peace Agreement, including the establishment of a lasting cessation of hostilities, the establishment of the military zones of separation, national elections held on 14 September 1996, and the formation and functioning of certain common institutions of Bosnia and Herzegovina;

3. Underlines the responsibility of the parties to fully, and in good faith, cooperate in the prompt formation and functioning of all the new common institutions of Bosnia and Herzegovina and in establishing the necessary conditions for holding free and fair democratic local elections in accordance with the relevant provisions of the Peace Agreement;

4. Demands the full, comprehensive and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina;

5. Welcomes the conclusions of the meeting of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996, in order to define the Guiding Principles of the Civilian Consolidation Plan of the Peace Process in Bosnia and Herzegovina in accordance with the Peace Agreement;

6. Welcomes also the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996, at which the Bosnian parties and the international community committed themselves to a detailed action plan to implement the Peace Agreement, and calls upon all parties, including the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), as signatories to the Peace Agreement and immediate neighbours, to continue to work for a peaceful, reintegrated and stable Bosnia and Herzegovina in accordance with the Peace Agreement;

7. Recognizes that responsibility for consolidating the peace lies primarily with the authorities of Bosnia and Herzegovina, as was confirmed in particular in the joint declaration adopted at Geneva on 14 August 1996;

8. Also recognizes that the role of the international community remains essential, and welcomes the readiness of the international community to continue its efforts;

9. Underlines the relationship between the fulfilment by the parties of their commitments under the Peace Agreement and the readiness of the international community to commit resources for reconstruction and development;

10. Welcomes the formation of the multinational Stabilization Force as the successor to the Implementation Force, and calls upon all parties to cooperate fully with it;

11. Stresses the importance of the full, comprehensive and consistent implementation of the Peace Agreement, including cooperation and compliance with the International Tribunal for the former Yugoslavia, the establishment of the necessary conditions for the voluntary return of refugees and displaced persons, and the establishment of the necessary conditions for freedom of movement;

12. Calls upon all the parties to cooperate fully, and in good faith, in the prompt formation and functioning of all of the new common institutions of Bosnia and Herzegovina and in establishing the necessary conditions for holding democratic, free and fair local elections at the municipal level in accordance with the relevant provisions of the Peace Agreement, and urges the relevant international organizations to consider the provision of assistance to meet the infrastructural needs of the new common institutions of Bosnia and Herzegovina in Sarajevo, the capital of the State and Federation of Bosnia and Herzegovina;

13. Insists upon the need to deliver all indictees to the International Tribunal for the former Yugoslavia for trial, notes that the Tribunal has the authority to address individual responsibility for the perpetration of the crime

of genocide, crimes against humanity and other serious violations of international humanitarian law committed, including in Bosnia and Herzegovina, and demands that all parties arrest and surrender to the Tribunal all indicted persons on territories under their control, and to otherwise fully comply with the orders of the Tribunal and to cooperate with the work of the Tribunal, including with exhumations and other investigative acts, in accordance with article 29 of the Statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina;

14. Urges Member States, taking into account the orders and requests of the Tribunal, to offer the Tribunal their full support, including financial support, in order to ensure the completion of the Tribunal's purpose, and to carry out their obligations under the Statute of the Tribunal and all relevant Security Council resolutions;

15. Reaffirms once again the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with the Peace Agreement, in particular annex 7 to the Agreement, and the realization of same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to immediately establish the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication for all the citizens of Bosnia and Herzegovina, and upon the relevant international organizations to enhance the conditions to facilitate return, in accordance with relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina, and welcomes efforts by the European Union, bilateral and other donors, United Nations agencies and non-governmental organizations in establishing projects designed to facilitate the voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina;

16. Strongly condemns all acts of intimidation designed to discourage the voluntary return of refugees and displaced persons, in particular the destruction of housing units;

17. Reaffirms once again its support for the principle that all statements and commitments made under duress, particularly those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and supports the effective engagement of the Commission on Property Claims of Refugees and Displaced Persons, in compliance with its mandate;

18. Emphasizes the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina;

19. Calls upon the parties to cooperate fully with the arbitration process in Brčko and to respect the decisions reached through the arbitration process, in accordance with the relevant provisions of the Peace Agreement;

20. Demands that all parties comply fully with the Subregional Arms Control Agreement, including the accurate reporting of existing levels of armaments and the destruction of the required amounts of armaments, in accordance with the relevant provisions of the Peace Agreement, and urges Member States and the appropriate regional organizations to assist in the implementation and verification of the Subregional Arms Control Agreement, in accordance with the relevant provisions of the Peace Agreement;

21. Stresses the need for timely information about the level of cooperation and compliance with the Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina, and the status and implementation of the Subregional Arms Control Agreement;

22. Commends the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross, the International Monetary Fund, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the Islamic Development Bank, the multinational Implementation Force led by the North Atlantic Treaty Organization, non-governmental organizations, the Office of the High Representative, the Office of the Special Rapporteur for Human Rights of the Commission on Human Rights, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the Organization of the Islamic Conference, the Organization for Security and Cooperation in Europe, the Peace Implementation Council, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina and the World Bank, in their roles in the implementation of the Peace Agreement;

23. Decides to include in the provisional agenda at its fifty-second session the item entitled "The situation in Bosnia and Herzegovina".